



House of Representatives

General Assembly

File No. 493

February Session, 2004

House Bill No. 5606

House of Representatives, April 6, 2004

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE RECOVERY OF DAMAGES FOR THE UNLAWFUL KILLING OR INJURING OF A COMPANION ANIMAL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2004*) (a) For the purposes of
2 this section, "companion animal" means a domesticated, warm-
3 blooded animal that is normally kept in or near the household of its
4 owner or keeper and is dependent on a person for food, shelter and
5 veterinary care, but does not include an animal kept for farming or
6 biomedical research practices.
- 7 (b) Any person who intentionally kills or injures a companion
8 animal, except in defense of such person or another person or as
9 otherwise authorized by law, shall be liable to the owner of such
10 companion animal for economic damages sustained by such owner
11 including, but not limited to, expenses of veterinary care, the fair
12 monetary value of a deceased companion animal and burial expenses
13 for a deceased companion animal.

14 (c) In addition to any economic damages awarded pursuant to
15 subsection (b) of this section, and except as provided in subsection (d)
16 of this section, the court may award punitive damages in an amount
17 not to exceed the jurisdictional monetary limit established by
18 subsection (d) of section 51-15 of the general statutes, together with a
19 reasonable attorney's fee.

20 (d) The court shall not assess punitive damages and a reasonable
21 attorney's fee pursuant to subsection (c) of this section against: (1) A
22 veterinarian licensed pursuant to chapter 384 of the general statutes
23 while following accepted standards of practice of the profession, (2)
24 the state or any political subdivision of the state or any employee,
25 officer or agent thereof while acting within the scope of such
26 employee's, officer's or agent's employment or official duties, or (3) an
27 employee of or volunteer for a nonprofit organization or nonprofit
28 corporation organized and operated exclusively for the prevention of
29 cruelty to animals or the protection of stray, abandoned or mistreated
30 animals while acting within the scope of such employee's or
31 volunteer's employment or duties.

32 Sec. 2. Section 22-351 of the general statutes is repealed and the
33 following is substituted in lieu thereof (*Effective October 1, 2004*):

34 (a) Any person who steals, confines or conceals any [dog]
35 companion animal, as defined in section 1 of this act, or who, with the
36 intention of stealing such [dog] companion animal or concealing its
37 identity or the identity of its owner or with the intention of concealing
38 the fact that the [dog] companion animal is licensed, removes the collar
39 or harness or tag from any licensed [dog] companion animal, or who
40 unlawfully kills or injures any [dog] companion animal, shall be fined
41 not more than [two hundred] one thousand dollars or imprisoned not
42 more than six months or both, [and shall also be liable to the owner in
43 a civil action.] For a second offense, or for an offense involving more
44 than one [dog] companion animal, any such person shall be fined not
45 more than [five hundred] two thousand dollars or imprisoned not less
46 than one year nor more than three years or be both fined and

47 imprisoned.

48 (b) Any person who violates the provisions of subsection (a) of this
49 section shall be liable to the owner in a civil action, except that, if such
50 person intentionally kills or injures any companion animal, such
51 person shall be liable to the owner in a civil action as provided in
52 section 1 of this act.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill expands existing civil and certain criminal law protections for dogs to include companion animals.¹ Any impact to the caseload of the Superior Court's Small Claims Division or the criminal justice system is expected to be negligible, and could be accommodated within budgeted resources. Note that there were four offenses under CGS Section 22-351 (which the bill expands to include companion animals) filed with the court in FY 03. Three of these offenses were not prosecuted, and no fines were imposed. No one was on probation or incarcerated.

¹ Companion animal is defined by the bill as any domesticated, warm blooded animal normally kept in or near the household and is dependent on a person for food, shelter and veterinary care.

OLR BILL ANALYSIS

HB 5606

AN ACT CONCERNING THE RECOVERY OF DAMAGES FOR THE UNLAWFUL KILLING OR INJURING OF A COMPANION ANIMAL**SUMMARY:**

This bill makes anyone who intentionally kills or injures a companion animal liable to the animal's owner for economic damages the owner sustains. These damages include, but are not limited to, veterinary care, the animal's fair monetary value, and burial expenses, if applicable. The bill specifies that this liability does not apply if the law authorizes the person to kill or injure the animal or if the person acted in self-defense or to defend another person.

The bill defines "companion animal" as a domesticated, warm-blooded animal that is normally kept in or near its owner's or keeper's home and is dependent on a person for food, shelter, and veterinary care. The definition excludes an animal kept for farming or biomedical research.

Under Connecticut common law, someone who willfully, wantonly, or negligently kills or injures an animal is liable to the animal's owner for damages.

The bill authorizes the court to also award punitive damages in an amount up to the Small Claims Court jurisdictional monetary limit (currently \$3,500) plus reasonable attorney's fees. But it excludes from this liability certain classes of people, such as licensed veterinarians, who followed accepted standards of practice. Under the common law, people are liable for punitive damages up to the cost of litigation plus attorney's fees if they acted willfully, wantonly, or maliciously.

The bill also (1) increases criminal penalties for those who kill, injure, or steal a dog or engage in certain behavior intending to steal a dog, and (2) applies these enhanced penalties to other companion animals.

EFFECTIVE DATE: October 1,2004

PUNITIVE DAMAGES—EXCLUSIONS

The bill excludes from the court's authority to award punitive damages: (1) a licensed veterinarian following accepted standards of practice of the profession; (2) the state, any of its political subdivisions, or their employees, officers, or agents while acting within the scope of their employment or official duties; or (3) employees of, or volunteers for, a nonprofit entity organized and operated exclusively for preventing cruelty to animals or protecting stray, abandoned, or mistreated animals while acting within the scope of their employment or duties.

CRIMINAL PENALTIES

Under current law, it is a crime to (1) steal, confine, or conceal any dog; (2) remove the animal's collar, harness, or tag intending to steal it or conceal its or its owner's identity, or with the intention to conceal the fact that the dog is licensed; or (3) unlawfully kill or injure a dog.

The bill increases the maximum fine for a first offense from \$200 to \$1,000. The possible prison term of up to six months remains the same. The bill increases the maximum possible fine, from \$500 to \$2,000, for a second offense and for an offense involving more than one dog. It retains the mandatory prison term of between one to three years.

The bill imposes these same criminal penalties for these crimes against companion animals.

BACKGROUND

Common Law Damages for Death or Injury of Animals

Under Connecticut common law, someone who willfully, wantonly, or negligently kills or injures an animal is liable to the animal's owner for damages (*Soucy v. Wysocki* 139 Conn. 162 (1953); *Griffin v. Fancher* 127 Conn. 686 (1941)).

There is little case law in Connecticut on the nature of damages available for killing or injuring an animal. But generally the common law has treated animals as personal property and limited damages for an animal's death to its market value when it died. Fair market value

depends on such things as purchase price, age, health, breed, training, usefulness, and any special considerations such as the animal's special qualities (4 Am. Jur. 2nd Animals, S 162; 70 N.Y.U.L. Rev 1059 (1995)).

Under Connecticut common law, someone who willfully, wantonly, or maliciously, harms someone or his property is liable for punitive damages in addition to compensatory damages (*Lentine v. McAvoy*, 105 Conn. 528; Connecticut Law of Torts, Section 174). Common law punitive damages are limited to the actual cost of the litigation plus attorney's fees (*Markey v. Santangelo*, 195 Conn. 76, (1985)).

Related Statutes

Dogs are deemed to be personal property, and anyone who steals them is subject to the larceny laws (CGS § 22-350). Anyone who steals any property, or knowingly receives and conceals it, is liable to the owner for three times his damages (CGS§ 22-350).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 42 Nay 0